

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JUNE 18, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: Larry M. Medina. Meeting was called to order and the invocation was given by Pastor Charlie Morgan, Trinity Church of the Nazarene, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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No action was taken regarding the report from Mr. Edward Drusina, Director of Public Works.

Mr. Edward Drusina, Director of Public Works, he stated that Public Works was truly building El Paso and noted the department's objectives. He explained the organizational chart, explaining the duties of each section and the personnel involved in those sections. He mentioned that the Public Works Department had been very successful and had increased their budget immensely in order that enormous improvements might be made in the future.

Representative Power asked about the Capital Improvement Fund which is to be transferred to the OMB Department and stated he would like to see a report in the future as to the effectiveness of this transfer.

Mayor Raymond C. Caballero suggested that the Capital Improvement Fund transfer be addressed during the Budget Hearings.

Representative Sumrall questioned what entity would pay for the drainage study for Westside and whether asbestos was within the walls at City Hall. She also asked what percentage the Engineering department was charging for Qualify of Life projects for management.

Mr. Drusina responded Hunt Building Corporation would be conducting a Master Drainage Study for flow path 38 through 40 and noted that this was a great public/private partnership. He noted that there was no friable asbestos in City Hall that was exposed to the public; however, some asbestos exists in the City Hall building; but was contained behind walls. He added there was no threat to the public or the Building Maintenance personnel. He explained that the Engineering Department charged between 1 to 3%, depending on the project and the amount of involvement the department has with the project(s).

Representative Cobos questioned the close proximity of the new Westside Corral to the Keystone Wetland site and stated he was concerned regarding the fuel tanks and where these fuel tanks would be built.

Mr. Drusina responded the fuel tanks would be built above ground.

Motion made by Representative Sariñana, seconded by Representative Sumrall, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved under Consent Agenda will be shown with an asterisk {*}).

*Motion made, seconded and unanimously carried to excuse Representative Medina from the Regular Council Meeting of June 18, 2002.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign contracts for the following artists to be accepted as part of the FY2002 Drop In On the Arts Program funded by the National Endowment for the Arts and the Arts Resources Department. The program will provide history lectures/tours and art workshops for the youth of the City of El Paso during June 24, 2002 through August 12, 2002.

1. Diana Molina; one lecture on June 25, 2002; \$150.00.
2. Stephen Mbutu; one lecture on June 26, 2002; \$150.00.
3. Claudia Rivers; one lecture on June 27, 2002; \$150.00.
4. Morris Brown; one lecture on June 28, 2002; \$150.00
5. Carlos Callejo; one lecture on July 1, 2002; \$150.00
6. Leon Metz; one lecture on July 2, 2002 \$150.00
7. Harry Schulte; video/film workshops during July 8-19, 2002; \$1,500.00.
8. Judith Garcia; ceramic workshops during July 8-19, 2002; \$1,500.00.
9. Karuna Warren; workshops in percussion during July 22-August 2, 2002; 1,500.00.
10. Manuel Rosas; photography workshops during July 22-August 2, 2002; \$1,500.00.
11. Ysella Fulton Slavin; poetry workshops during July 29-August 9, 2002; \$1,500.00.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the 17th Revisions to the City of El Paso Arts Resources Department's Direct Funding Guidelines be approved, as recommended by the Arts Resources Advisory Board and Staff.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
2955 George Dieter Drive	\$507.78	\$39.78	\$547.56

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
6330 ½ Viramontes Rear	\$1,483.02	\$492.80	\$1,975.82

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
704 Westlake Court	\$288.00	\$155.60	\$443.60
704 Westlake Court	\$230.57	\$96.60	\$327.17

***R E S O L U T I O N**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 30th day of October, 2001, after due notice and hearing, ordered CARLOS ESCOBEDO, record Owner of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

S 75 Ft. Of Lot 1 to 3 & 7a5 Ft of W 15 Ft of Lot 4, Block 32, Franklin Heights Subdivision, a Subdivision in the City of El Paso, El Paso County, Texas, more particularly described as 148150 N. Brown Street, El Paso, Texas,

to be \$1,706.42, performed by the Street Department of the City of El Paso, \$1,698.53 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$3,404.95. The City Council finds that the work was completed on the 3rd day of May, 2002, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of THREE THOUSAND FOUR HUNDRED FOUR AND 95/XX DOLLARS (\$3,404.95) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the abovedescribed property are made a part of this Resolution by reference.

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*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Reaffirmation Agreement between the City of El Paso and LILIA BARRIOS related to a housing rehabilitation loan for the property located at 632 Centennial Drive, El Paso, Texas.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City of El Paso, be authorized to endorse an insurance claim draft in the amount of \$15,706.73, made jointly payable to Josin Partnership, Bank of America and the City of El Paso, pursuant to the terms of a Deed of Trust in favor of the City of El Paso on the property located at 801 South Mesa Street, El Paso, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That values have been set in accordance with the law for the following properties, which are proposed to be acquired for the Collingsworth Subdivision Phase IV Street and Drainage Improvements a Twenty-seventh Year (2001-2002) Community Development Project, and that, having considered relevant facts pursuant to the applicable law, the Council hereby establishes Just Compensation and approves an Offer of Just Compensation as follows:

- Parcel 3: A portion of Lot 10, Block E, Collingsworth Subdivision, containing 48.00 square feet, more or less.
Value: \$400.00
- Parcel 5: A portion of Lot 16, Block 6, Collingsworth Subdivision, containing 48.00 square feet, more or less.
Value: \$710.00
- Parcel 7: A portion of Lot 9, Block 6, Collingsworth Subdivision, containing 48 square feet, more or less.
Value: \$290.00

and that the Mayor be authorized to sign Contracts of Sale, with respective property owners of the above parcels in the amount of Just Compensation.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINE THOUSAND FOUR HUNDRED FIFTY AND NO/100THS DOLLARS (\$9,450.00 - \$8,751 loan/\$699 grant) against the following described real property:

Lot 34, Block 16, HACIENDA HEIGHTS UNIT THREE, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 12, Page 15, Plat Records of El Paso County, Texas; also known and numbered as 7740 Veracruz Avenue, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of ONE AND 16/100THS DOLLARS (\$1.16).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TEN THOUSAND FIVE HUNDRED AND NO/100THS DOLLARS (\$ 10,500.00 - \$8,390 loan/\$2,110 grant) against the following described real property:

Lots 13 and 14, Block 25, GOVERNMENT HILL ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 1, Page 41, Plat Records of El Paso County, Texas; also known and numbered as 3927 Hueco Avenue, El Paso, Texas 79903.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the City Council approve the following proposed amendments to the Community and Human Development Housing Programs Handbook as recommended by the Legislative Review Committee for Community and Human Development:

That Chapter 2, Program for the Rehabilitation of Investor-Owned Properties Located in the Magoffin Historic District, be deleted in its entirety and all subsequent chapters be renumbered to reflect this change; and

That Chapter 6, Program for the Rehabilitation of Investor-Owned Properties, be amended to delete Section I. Eligibility Requirements, Subsection A(1)(b), which allowed a non-owner listed as a buyer under a Contract of Sale, to be considered eligible to apply; and to add a new requirement under Section I. Eligibility Requirements, Subsection B(1)(a)-(f), listing the six factors that compose a rating criteria based on a point system for ranking potential projects on the Investor-Owned Rehabilitation Interest List and for determining the property's eligibility; and to amend Section II. Financing, Subsection A to add the requirement that the City must have a first lien position and to prohibit the refinancing of existing debt; and to amend Section II. Financing, Subsection B by increasing the interest rate charged on the loan from 0% to 3% interest; and to delete Section II. Financing, Subsection D, which allowed an applicant to receive a maximum \$7,500 per unit grant at the discretion of the Director of Community and Human Development; and to amend Section VIII. Post-Rehabilitation Requirements to add Subsections E, F and G related to certifications, property compliance and monitoring requirements; and

That Chapter 9, Refinancing Policy, be amended to delete the eligibility of the refinancing option for multi-family projects and to amend the refinancing option for single-family, owner-occupied housing by adding the requirement that rehabilitation must be the primary activity whereby more than 50% of the total funds must be for eligible rehabilitation soft and hard costs; and

That the handbook be amended throughout to include other minor technical revisions and clarifications, as attached and incorporated herein, and as recommended by Legislative Review Committee and the Director of Community and Human Development.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Second Amendment to the Agreement for Architectural Services between the **City of El Paso** and **Downtown Architects, L.L.C.**, for a project known as **"Northwest Service Center"** for an amount not to exceed SEVEN THOUSAND SEVEN HUNDRED FIFTY-FIVE AND NO/100 DOLLARS (\$7,755.00).

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a TSLAC grant application and related documents for a Technical Assistance Negotiated Grant (TANG) between the Texas State Library Archives Commission and the City of El Paso for the term of September 1, 2002, through August 31, 2003. The total amount of the Grant Application is \$72,905. The funds will be used for automation/technology assistance to enable the El Paso Public Library and member libraries of the Texas Trans-Pecos Library System to use and maintain information resource technology. No City matching funds are required.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement between and among the **CITY OF EL PASO, PRICE'S CREAMERIES, INC.**, and **EL PASO BASEBALL CLUB, L.L.C.**, for the City to provide a summer cheerleading program, the Price's Diablo Diamond Girls Cheerleading Camps, for El Paso girls and boys, ages 4-18, in conjunction with the cheerleading squad for the El Paso Diablos baseball team, the Diablo Diamond Girls. The Agreement provides for the underwriting of a portion of the cost of the camps by Price's, for participation by the Diablo Diamond Girls in instruction at the camps, and for the performance by some of the camps' participants at subsequent baseball games of the Diablos.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Jason R. Ayala, Swim Instructor, Step 1
 DATES: May 24, 2002 thru September 30, 2002
 RATE PER HR: \$5.35
 CONTRACT NO: 2001/2002-321

 2. CONTRACTOR: Silvia Gonzalez, Lifeguard, Step 2
 DATES: May 29, 2002 thru September 30, 2002
 RATE PER HR: \$6.00
 CONTRACT NO: 2001/2002-322

 3. CONTRACTOR: Andrea M. Lindsay, Swim Instructor, Step 1
 DATES: May 24, 2002 thru September 30, 2002
 RATE PER HR: \$5.35
 CONTRACT NO: 2001/2002-323

 4. CONTRACTOR: Christina Loya, Swim Inst. Coord., Step 1
 DATES: May 17, 2002 thru September 30, 2002
 RATE PER HR: \$6.50
 CONTRACT NO: 2001/2002-324

 5. CONTRACTOR: Pamela N. Maestas, Swim Instructor, Step 1
 DATES: May 24, 2002 thru September 30, 2002
 RATE PER HR: \$5.35
 CONTRACT NO: 2001/2002-325

 6. CONTRACTOR: Frank Moreno, Swim Instructor, Step 1
 DATES: May 29, 2002 thru September 30, 2002
 RATE PER HR: \$5.35
 CONTRACT NO: 2001/2002-326

 7. CONTRACTOR: Alan W. Seppelin, Lifeguard, Step 4
 DATES: May 24, 2002 thru September 30, 2002
 RATE PER HR: \$6.40
 CONTRACT NO: 2001/2002-327

 8. CONTRACTOR: Omar C. Torres, Swim Instructor Coordinator, Step 1
 DATES: May 01, 2002 thru September 30, 2002
 RATE PER HR: \$6.50
 CONTRACT NO: 2001/2002-328

 9. CONTRACTOR: Jose A. Watkins III, Pool Attendant, Step 1
 DATES: May 29, 2002 thru September 30, 2002
 RATE PER HR: \$5.40
 CONTRACT NO: 2001/2002-329
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Contract between the **CITY OF EL PASO** and the following individuals, to give presentations at several branches of the El Paso Public Library. There is no cost to the City

1. Luis E. Barker
2. Hardrick Crawford, Jr.
3. Michael E. Lister
4. Roman Villareal

There is no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **DEBI A. LOPEZ** as a Library Information Specialist II, for the El Paso Public Library at a biweekly rate of \$915.77, for 40 hours per week. The term of the contract shall be for the period of June 20, 2002 through June 19, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **IVONNE RODRIGUEZ**, to coordinate the "Drop in on the Arts" program funded by a National Endowment for the Arts grant, from June 19, 2002 through August 28, 2002. The Contractor shall be paid an hourly rate of \$10.00. The total amount of the contract shall not exceed \$3,200.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARK TRIVIZ** as a Economic Program Analyst II, for the Community and Human Development Department at an annual rate of \$48,000.00, for 40 hours per week. The term of the contract shall be for the period of June 24, 2002 through June 23, 2004.

NOTE: Resolution was revised to read: "The term of the contract shall be for the period of June 24, 2002 through June 23, 2004".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the CITY OF EL PASO and **JOHN C. JACOBSON** as a Program Developer and Administrator for the Department of Aviation at the biweekly rate of \$1,542.73 not to exceed 40 hours per week. The contract period is from June 26, 2002 through June 25, 2003.

NOTE: Resolution was revised to read: "The contract period is from June 26, 2002 through June 25, 2003".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the CITY OF EL PASO on behalf of the Metropolitan Planning Organization (MPO) and **RICHARD A. GENEST** to assist the MPO in the completion of the Metropolitan Transportation Plan (MTP) at an hourly rate of \$16.37 for a minimum of 20 hours per week not to exceed 40 hours per week. Total amount of contract not to exceed \$5,000. The term of the contract shall be for the period of June 19, 2002 through June 18, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the CITY OF EL PASO and **KIMBERLY MCCARDEN** as a Development Assistant, for the Museum of Art at a biweekly rate of \$720.00, for 30 hours per week. The term of the contract shall be for the period of June 19, 2002 through August 31, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the CITY OF EL PASO and **COCO MORSE BALLEW** to assist the Museum of Art with public relations and publicity at a biweekly rate of \$561.60 not to exceed 20 hours per week. The term of the contract shall be for the period of June 19, 2002 through August 31, 2003.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

THAT the Mayor be authorized to sign an Amendment to the FACILITY MANAGEMENT AND TOURISM AGREEMENT by and between SMG, a Philadelphia general partnership and successor in interest to LMI/HHI, Ltd., and the CITY OF EL PASO, TEXAS.

Mr. Bill Chapman, Chief Financial Officer, explained that the Amendment extended the contract with SMG for 2 ½ years until September of 2005 and would reduce the management fees from \$288,000.00, fixed fee, to \$135,000.00 plus incentives.

Representative Sumrall thanked Mr. Chapman and SMG for a job well done. She noted that the Democratic Convention was well handled and well organized. She thanked Mr. John Adams of SMG.

Mayor Raymond C. Caballero remarked that during the term of the previous contract the Convention Center had been under construction; however, since the completion of the construction and with the new incentives SMG would be even more successful. He commented on the success of the Shriner's and Democratic Convention. He also commented on complaints he had received regarding a particular downtown hotel during the recent Democratic Convention.

Representative Cook stated he had received comments from guests staying at the hotel; however, these guests' experiences were not dampened. He asked about the marquee.

Mr. Chapman explained that SMG would invest \$200,000 to \$250,000.00, (depending on the design) for a marquee for the facility, SMG would recoup the investment through advertising revenue; however, when the contract expires the marquee would become the City of El Paso's and the additional revenue would be the City's.

Representative Cook requested that the City invest in color-coded signage to direct tourists to the Convention Center, hotels, restaurants, etc.

Mayor Caballero agreed and requested the Street and Public Works Departments investigate the suggestion further.

Representative Power commended Mr. Bill Blaziek and stated he anticipated a strong relationship between Economic Development, Tourism Development Coordinator, Mr. Blaziek, etc.

Representative Cobos commended SMG for their cooperative spirit with vendors at the Democratic Convention. He stated he had received rave remarks regarding El Paso as being very hospitable. He questioned Mr. Blaziek as to whether this was the biggest revenue year for the Convention.

Mr. Chapman spoke for Mr. Blaziek and responded yes and that last year was the biggest revenue-generating year; however, this year was projected to be even higher.

Motion made by Representative Power, seconded by Representative Cook and carried to approve the above Resolution.

Representative Rodriguez voted Nay.
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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement with the CITY OF SUNLAND PARK, to lend it Four (4) 4 Cubic Yard Dumpsters for its recyclable materials generated at that location, in conjunction with the Department of Solid Waste Management's recycling program.

Representative Cobos questioned whether the City of Sunland Park would be compensating the City for utilizing the dumpsters.

Ms. Emma Acosta, Deputy Director of Solid Waste Management, responded no, the City of Sunland Park would be loaned the dumpster in order to collect the recyclables. She noted that the Solid Waste Management Department would sell the recyclable material and subsequently keep the revenues. She stated that the Department did not have a written policy regarding the recycling program; however, permanent drop-off recycling sites were located throughout the City, in addition to, the City of Socorro. She noted that the recycling program was not a revenue-generating program.

Mayor Raymond C. Caballero questioned why the City would continue the recycling program if the program did not generate revenue.

Ms. Acosta noted that the recycling program saves the environment, resources such as water, trees and landfill space. She remarked that while the recycling program was not a revenue generating program it was good for the environment. She stated that the agreement with the City of Sunland Park was a win-win situation whereas Sunland Park was instituting a recycling program within close proximity to the collection site in the City, in addition to saving the environment.

Representative Cobos requested either a written policy and/or information regarding the Solid Waste Management's recycling program.

Ms. Acosta stated she would provide the requested information.

Representative Sumrall questioned the City's liability coverage for entering another state.

Ms. Acosta responded the employees and City vehicles possessed liability coverage to travel into New Mexico. She noted the dumpster's value as approximately \$400.00.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 9th day of July, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3430 Wyoming Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 19, Block 70, Supplemental Map #1 of East El Paso

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose Angel and Maria Guadalupe Torres, 3430 Wyoming Avenue, El Paso, Texas 79903, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Services Department, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried to approve the request to install guardrail on the west side of 8301 Verdeland Drive. Cost estimate is \$1,028.97.
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*Motion made, seconded and unanimously carried that the drainage improvements in the Ten Redd Commercial Park Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Drainage Improvements:

Ponding Area – at Lot 3, Block 1; with a 1.42 ac. area and a 8.79 ac-ft. capacity; 2-Thrust Block Outlet Structure; 88.0 ft. of 36.0" of R.C.P.; 138.0 ft. of 18.0" R.C.P.; 1065.0 ft. of 6.0 ft. high Chain Link Fence; and 2- 18.0 ft. of Double Swing Gate
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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Parks & Recreation

Add	2.0	Equipment Operator II	GS15
Delete	2.0	Labor Foreman II	GS17

*Motion made, seconded and unanimously carried to re-appoint Lidia Flynn to the Foster Grandparent Program Advisory Council by Representative Sumrall.

*Motion made, seconded and unanimously carried to re-appoint Jessie Williamson to the Community Development Steering Committee by Representative Escobar.

*Motion made, seconded and unanimously carried to appoint Edmund A. Davis to the El Paso Public Arts Commission by Representative Sariñana.

*Motion made, seconded and unanimously carried to appoint Alfredo Borrego to the Enterprise Community Coordinating Committee by Representative Sumrall.

*Motion made, seconded and unanimously carried to appoint Richard A. Cordova to the Building and Zoning Advisory Committee by Representative Sumrall.

*Motion made, seconded and unanimously carried to appoint Ruth Taber to the El Paso Public Arts Commission by Representative Escobar.

*Motion made, seconded and unanimously carried to appoint Carl E. Ryan to the El Paso Public Arts Commission by Representative Escobar.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #99MH-999-0000-0139, \$265.55 per month installments on a balance of \$2,124.40 for 1999 & 2000 taxes; Lorraine & Noe Baeza – 11540 Montana #C15.
- B. PID #P277-000-0410-1900, \$204.00 per month installments on a balance of \$4,896.00 for 1998, 1999 & 2000 taxes; Rosendo Sanchez, Jr. – 409 G Ave.
- C. PID #U819-000-018E-05D0, \$336.72 per month installments on a balance of \$2,693.76 for 2001 taxes; Margarito Arellano – 7951 Bosque Rd.
- D. PID #P870-000-0000-0130, \$496.60 per month installments on a balance of \$2,979.60 for 2001 taxes; Wilbert & Sandra Reid – 840 Yucca St.
- E. PID #X579-000-2350-1070, \$835.32 per month installments on a balance of \$5,847.24 per month installments for 2001 taxes; Mohammad T. Mostajeran – 13200 Montana.

*Motion made, seconded and unanimously carried to authorize the transfer of \$6,500.00 from District 7 Discretionary Funds to the Parks and Recreation Department to assist with the Summer 2002 Club Rec Programs and Summer 2002 Concert Series sponsored by the Department of Parks and Recreation.

Motion made, seconded and unanimously carried to move to the Regular Agenda the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for two additional years, from July 18, 2002 to July 17, 2004 pursuant to the provisions of contract 2000-164 Fire Apparatus Specialties, Inc., South Houston, Texas, for Hale Proprietary Parts for the Fire Department.

Representative Rodriguez asked to see the original contract and requested more information regarding above.

Mr. Byron Johnson, Director of Purchasing, explained that the item was for proprietary parts and was a sole source bid. He stated that the Hale was a pump on the fire apparatus and Hale had the only parts available for named pump, Hale was the authorized distributor for the Texas area; therefore, the contract was for Hale and as a discount from the price list.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for two additional years, from July 18, 2002 to July 17, 2004 pursuant to the provisions of contract 2000-164 Fire Apparatus Specialties, Inc., South Houston, Texas, for Hale Proprietary Parts for the Fire Department.

OPTION NO.: ONE [OF ONE
AMOUNT OF AWARD: \$15,000, Annual Estimate.
ACCOUNT NOS: 22010090-503118
FUNDING SOURCE: 01101
DEPARTMENT: FIRE

.....
*Motion made, seconded and unanimously carried to approve Change Order No.1 (Construction Change) to C.F. Jordan LP, for "EPIA Pavement Rehabilitation of Runway 8R-26L and taxiway "L" Pavement" for a **decreased** amount of \$178,079.39. Change Order is to adjust unit price contract quantities as per final measurements and calculations.

NOTE: Item was revised to read: "EPIA Pavement Rehabilitation of Runway 8R-26L and taxiway "L" Pavement".

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda Bid No. 2002-178 Security Guard Services

Representative Cobos questioned whether another bidder, Ruiz Protection Services, offered health insurance to its employees.

Mr. Byron Johnson, Director of Purchasing, remarked that Ruiz Protective Services' Best Value Procurement Bid indicated that Ruiz would provide insurance to employees under the contract, but not to all employees of the firm.

Representative Sumrall noted if a company was offering health insurance, it should offer insurance to all its employees.

Mr. Johnson noted that Ruiz Protective Services did not receive the proper points needed due to the company's offering health insurance to a select few employees. He added that Initial Security, although a Houston based company, had a local office located at 6400 Airport Road.

Motion made by Representative Rodriguez, seconded by Representative Escobar and unanimously carried to award Bid No. 2002-178 Security Guard Services

Award to: Initial Security
Houston, Texas
Item (s): 1
Amount: \$47,916.70

Department: Museum of Art
Funds available: 54010249-01101-502212
Funding source: General Funds, Security Contracts
Total award: \$47,916.70

The Museum of Art and Purchasing Department recommend award as indicated as this vendor has provided the Best Value Bid.

This is a thirty-six (36) month contract with the bidder offering to extend the contract for one (1) additional year.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-154 110-Gallon Capacity Riding All-Terrain Litter-Vacuum

Award to: Tennant Sales & Service Company
Minneapolis, MN
Item(s): 1 with Option O1, O2 and O3
Amount: \$35,730.79

Department: Department of Aviation
Funds Available: 62620020-508006-500004
Funding Source: Airport Capital Funds
Total Award: \$35,730.79

The Department of Aviation and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid.

This is a fixed-price, single (one-time) purchase, for the purchase of one 110-Gallon Capacity Riding All-terrain Litter-Vacuum for the El Paso International Airport. Staff also recommends the purchase of additional options, under Option O3 (water assisted dust control and aux edge cleaning) at an additional total cost for one vacuum at \$2,787.38 to improve the productivity and lower the maintenance costs.

There was one option of purchasing up to one hundred percent [100%] of the original contract quantities, at the same unit price, if the option is exercised before March 30, 2003.

Vendor does not offer a prompt pay discount.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-112 Lower Valley Park Improvements

Contractor: Silverton Construction Company, Inc.
El Paso, Texas

Department: Parks & Recreation
Funds Available: 31130550-PPW0046003-60015-508027
31130550-PPW0046006-60018-508027
31130550-PPW0046006-26270-508027
31130550-PPW0046014-26255-508027
Funding Source: 2000 Quality of Life Bond Issue

Items:	Base Bid I	\$264,463.00
	Base Bid II	\$212,175.00
	Base Bid III	\$225,450.00
	Alternate 1-H	\$ 61,800.00
	Alternate 3-D	\$ 51,750.00
	Alternate 3-E	\$ 13,000.00
Total Award:		\$828,638.00

The Departments of Parks & Recreation, Engineering and Purchasing recommend the award of this contract to Silverton Construction Company, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

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 *Motion made, seconded and unanimously carried to award Bid No. 2002-163 Temporary Personnel Backup Service for Various City Departments

Award to:	Kelly Services, Inc.
	El Paso, TX
Item(s):	#1 & 2
Amount:	\$22,982.40 Estimated

Department:	Personnel
Funds Available:	Various
Funding Source:	Various
Total Award:	\$22,982.40 Estimated

Personnel and Purchasing recommend awards as indicated, this vendor is the low bidder meeting specifications.

This is a thirty-six [36] month contract with no renewable options.

.....
 Motion made, seconded and unanimously carried to move to the Regular Agenda Bid No. 2002-169 Sale of Recyclable Materials

Mr. Byron Johnson, Director of Purchasing, remarked that this Bid would be part of the City's recycling program and noted that Master Fiber, Inc. would be returning a significant portion of its profits to the City. He stated he was pleased Master Fiber provided such a response in their bid.

Representative Cobos asked Ms. Emma Acosta, Deputy Director of Solid Waste Management, whether the City was recycling glass.

Ms. Acosta stated no the City only recycles products that could be sold to market. She explained that a market for glass did not exist in El Paso; therefore, the Solid Waste Department does not collect such. She noted that no bid was received for tin cans; however, a bid for aluminum cans would be sent separately, as well as, scrap metal.

Representative Cobos remarked that local recycling companies, Commercial Metals and W. Silver, provide for aluminum and tin cans and scrap metal.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to award Bid No. 2002-169 Sale of Recyclable Materials

Award to: Master Fiber, Inc.
El Paso, TX
Item(s): #1 - 9
Amount: \$245,200.00 Estimated

Department: Solid Waste Management
Funds Available: Revenue
Funding Source: Revenue, Solid Waste Management
Total Award: \$245,200.00 Estimated

Purchasing and Solid Waste Management recommend award as indicated, Master Fiber Inc. has the highest percentage rate and meets specifications.

This is a thirty-six months contract with the options to extend the term of the contract for one additional year.

Items 10 thru 12 are deleted since no bids were received.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-684 PARKS AND RECREATION

This budget transfer transfers an appropriation for Senior Games Promotional Services from the Special Promotions Department to Special Events-Seniors.

Increase	\$1,020	to	51510834/P50022716327/502116	Promo Svcs
Decrease	\$1,020	from	51010282/P50020516305/502116	Promo Svcs

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*Motion made, seconded and unanimously carried to approve the following Building Services - refunds:

- A. Mobile Food Service license refund to Jorge Ornelas in the amount of \$125.00.
 - B. Temporary permit refund to Guardian Angel Church in the amount of \$30.00.
 - C. Home Occupation permit refund to Maria del Rosario Ward in the amount of \$44.00.
-

*Motion made, seconded and unanimously carried to approve the request of Sunset Heights Neighborhood Improvement Association to block off Los Angeles Drive between North El Paso Street and River Street for the dedication of a State Historic Marker on June 22, 2002 from 8:00 a.m. to 1:00 p.m. Approximately 100 persons will participate. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-070

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*Motion made, seconded and unanimously carried to approve the request of Eleazar Rangel to block off Kendall Street between Norwood Court and Dearborne Drive (between 10423 and 10431) for a block party on June 22, 2002 from 8:00 a.m. to 12:00 p.m. Approximately 70 persons will participate. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-071

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*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to amend the speed limit to twenty miles per hour, on Eighth Avenue between Campbell Street and Park Street. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.

*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **CHIEF PLANS EXAMINER**

*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **CUSTOMER RELATIONS MANAGER**

*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **CHIEF BUILDING INSPECTOR**

*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the class of **ZONING ADMINISTRATOR**

ORDINANCE 15120

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 8, BLOCK 2, SAHARA SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (9900 BLOCK OF DYER STREET) FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Rita Rodriguez, City Attorney, noted for the record there was no public comment.

Motion duly made by Representative Cook, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15121

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 17C-107 AND 17C-108, SECTION 8, BLOCK 79, TOWNSHIP 3, T. & P. R. R. COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (NORTH OF VISTA DEL SOL DRIVE AND EAST OF JOE BATTLE BLVD.) FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall questioned the restrictions within the Ordinance.

Representative Escobar explained that EP Rhino was a storage company.

Motion duly made by Representative Escobar, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to postpone one (1) week an Ordinance changing the zoning of Tracts 22A and 22D, Block 54, YSLETA GRANT and Lot 4, Block 2, VJM INDUSTRIAL PARK, El Paso, El Paso County, Texas (South of Castner Street between Kessler and Diesel Drive) from P-I (Planned Industrial) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Transport International Pool / Representative: Mesa & Associates, Inc., 718 Myrtle Ave., El Paso, TX 79901 ZC-02014

Representative Escobar asked Ms. Patricia Aduato, Director of Planning, whether any opposition to the zoning change was received by the Planning Department.

Ms. Aduato responded that one letter in opposition was received from Mr. Mike Hanlon, 8785 Castner, his objection was that the use was already in operation and had come before the zoning change. She explained that a trailer company was located on the site.

Motion made by Representative Escobar, seconded by Representative Power to approve; however, Representative Sariñana questioned the district number and asked to postpone the item.

A gentleman, owning an acre of land in close proximity of the proposed site, questioned whether his land would be "blocked out".

Representative Sariñana responded that his acre was zoned Planned/Industrial currently. He explained that problems were occurring in this area.

Mr. Robert Gonzalez, representing Transport International Pool and GE Modular Capital Space, stated he understood the parking and traffic related problems in the area. He noted that the requested C-4 zoning would be consistent with the zoning in the area. He explained that the facility would not be adding to the traffic situation problems currently existing. He also noted that Transport International Pool, TIP, was a tractor/trailer leasing company where rigs pick up trailers and then leave, GE Capital rents construction trailers noticed at construction sites, very little traffic would be generated.

Representative Sariñana questioned whether the trailer trucks would be parking on outlying streets if the company were to grow beyond the property lines. He questioned whether the BZAC was addressing this type of issue.

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The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02005, TO ALLOW FOR A CHURCH ON A SITE OF LESS THAN THREE ACRES ON LOTS 1-10, BLOCK 9, COTTON ADDITION, EL PASO, EL PASO COUNTY, TEXAS (2111 WYOMING) PURSUANT TO SECTION 20.42.040.A. (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Cobos questioned the three-acre parking requirement for churches.

Representative Cobos questioned whether Southwest Fuel Injection Services was open on Sundays.

Representative Escobar stated the DCC assumed the same number of parishioners on Sunday as any other day of the week. He thought that was an incorrect assumption.

AYES: Council Members Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02004 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1- 10, BLOCK 9, COTTON ADDITION, EL PASO, EL PASO COUNTY, TEXAS (2111 WYOMING), PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Cobos, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

NAYS: Council Member Sumrall Absent: Council Member Medina

ORDINANCE 15124

NAYS: None Absent: Council Member Medina

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*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of April 23, 2002, for the property located at 5140 Catskill Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owners of this property, Odies L. and Evelyn Jackson, have been notified of the violations at this property.

*Motion made, seconded and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 2801 Harrison Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of April 29th, 2002, Isela M. Bernal, 8300 Mt. Whitney Dr., El Paso, Texas 79904, has been notified of the violations at this property. There are \$10,978.25 back taxes owed as of May 1, 2002 and a suit is pending.

*Motion made, seconded and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 4908 Hercules Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of April 29th, 2002, Jose Gerardo Bernal, Executor of the Estate of Andres Bernal, 1424 Cross Ridge Drive, El Paso, Texas 79912, has been notified of the violations at this property. There are \$60,434.13 in back taxes owed as of May 1st, 2002 and a suit is pending.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to reject Bid No. 2002-034, Building Materials & Supplies as recommended by Purchasing and the PW / Building Maintenance Department.

This requirement will be reviewed by the user department, a new solicitation will be issued at a later time.

Representative Cook questioned why the rejection of the bid.

Mr. Byron Johnson, Director of Purchasing, explained the evaluation could not be completed before the bid expired. He noted that alternative bids had been submitted with products not meeting the criteria, brands did not equal out, and/or product samples were not provided in a timely manner.

Motion made by Representative Cook seconded by Representative Escobar and unanimously carried to reject Bid No. 2002-093, Asbestos Abatement Services as recommended by Purchasing and Public Works Department.

This requirement will be reviewed by the user department. A new request for bids will be revised and will be issued at a later time.

Representative Cook questioned why the rejection of the bid.

Mr. Byron Johnson, Director of Purchasing, noted that the Public Works Department was unable to evaluate the bidders and requested re-advertisement. He explained the cost to advertise was a combination many factors to include: staff time, \$100.00 to \$150.00 to advertise, cost to mail solicitations and copying the solicitations, based on the number of vendors.

Representative Cook questioned whether there had been a bond requirement.

Mr. Johnson responded there were no bond requirements for the above bid.

Mayor Raymond C. Caballero asked Mr. Johnson to provide more detail in the backup materials which would further explain why the bid(s) had been rejected.

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*Motion made, seconded and unanimously carried to delete the discussion and action on a recommendation by the Bond Overview Advisory Committee that \$340,000 be moved from the contingency fund of the History Museum Project to be used as a grant match as recommended by the History Museum Advisory Board. (Mr. Edward Drusina, Director of Public Works)

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Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to move to the forefront, as requested by Mr. Michael E. Breiting, Executive Director for El Paso Central Business Association and El Paso Downtown Management District, the discussion and action on delaying enforcement of Sidewalk Street Vending on TxDOT right-of-way until the Bus Bench Franchise lawsuit is settled as requested by Representative Cobos.
Representative Rodriguez voted Nay to moving the item.

Mayor Raymond C. Caballero explained the item as follows: The item related to TXDOT (Texas Department of Transportation) rights-of-way on Stanton and El Paso Streets of which many shops and vendors are designated. He stated that TXDOT had prohibited advertising and encroachments on these rights-of-way; however, the City had issued Special Privilege permits on these rights-of-way on Stanton and El Paso Streets. It was discovered that the City had not complied with State and local laws as to acquiring written approvals from TXDOT.

Ms. Rita Rodriguez, City Attorney, remarked that written approval included a general blanket prohibition against any advertisement or placement of any sort of encroachment, to include vendors, on TXDOT rights-of-way, unless TXDOT authorized permission under a statutory provision. She noted that the City's maintenance agreement states the City would be responsible for the encroachments. She explained that TXDOT had written a letter stating that TXDOT would recommend a temporary moratorium on the removal of the encroachments; however, this may not be sufficient to permit the issuance of franchises on the TXDOT rights-of-way and prior approval from TXDOT would be required.

Representative Cook asked Ms. Rodriguez whether the City had issued permits for vending on these streets. Ms. Rodriguez responded yes. Representative Cook referred to a June 14, 2002 letter written by TXDOT which referred to the recommendation of a temporary moratorium from the City enforcing the removal of the encroachments and he questioned whether or not this implied TXDOT not having an issue regarding the encroachments at this time.

Ms. Rodriguez responded no, due to state law stating "from either statutory authority or an agreement". She remarked that the letter in and of itself, did not rise to that level and until the City received an agreement of some type, the letter did not change the state law.

Mayor Caballero questioned Ms. Rodriguez whether she had requested the information from TXDOT.

Ms. Rodriguez responded she had just received the letter prior to coming to Council meeting this morning.

Representative Cobos noted that the letter had just been signed this very morning and hand delivered by TXDOT. He explained that this was a very important issue as it pertained to gross receipt tax, tourism and toll fee dollars. He stated he had toured the downtown area and noted the "energy" created by the vendor's tables and questioned the interpretation of a 1999 letter as hampering the economic development of South El Paso. He asked that the City Council and City Attorney's office be sensitive to the economic development of South El Paso and investigate different interpretations of the City to benefit the small business

community. Representative Cobos asked Ms. Rodriguez whether she possessed any other written documentation, other than the 1999 letter.

Ms. Rodriguez responded yes, she had the letter that she had received today which stated "municipalities are allowed to permit encroachments on municipal streets; however, they cannot do so on designated State or highway streets".

Representative Cobos also read from the same letter the following: "we are recommending a temporary moratorium on the City of El Paso enforcing removal of encroachments on above-mentioned roadways". He questioned what other documents Ms. Rodriguez possessed which addressed "removal of the tables".

Ms. Rodriguez responded the City's maintenance contract and a letter dated January 2002 that specifically addressed advertising issues on TXDOT rights-of-way. She explained that the letter addressed the City's responsibility not to permit encroachments on TXDOT rights-of-way and that such advertisements must be removed. She continued that the City was temporarily enjoined from removing bus benches with advertisement in TXDOT rights-of-way until a hearing in District court.

Representative Cobos interpreted the letter as TXDOT was recommending a moratorium on the City enforcing the encroachment on TXDOT rights-of-way.

Ms. Rodriguez clarified that she does not interpret the law, in any way, to hurt or hinder any sort of business venture but interprets the law as it is written.

Mayor Caballero suggested Mr. Breitinger and the City Attorney's office approach TXDOT and request a document that would give the City authority to issue permits.

Representative Sumrall remarked that she had no desire to harm downtown businesses; however, she asked if it would be possible to post merchandise prices on the building and not on the tables. She agreed with Representative Cobos as to allow businesses to continue in the downtown area. She suggested that the City resolve the issue quickly as it affects many citizens.

Representative Rodriguez questioned what the recommended temporary moratorium dates were.

Representative Cook moved to extend all current permits 90 days from the expiration date, Representative Sumrall seconded.

Ms. Rodriguez remarked that the City could not allow for that as permits are authorized through Ordinances.

Representative Cook ordered the City Attorney's office to draw an Ordinance to be introduced at next week's Council meeting to extend the current permits 90 days from the expiration date.

Mayor Caballero again reiterated that the City did not have authority to issue permits. He suggested that the City Attorney comply with Representative Cook's request, in addition to requesting TXDOT provide a document giving the City of El Paso the authority to issue permits on TXDOT rights-of-way.

Representative Cook asked City Attorney's office to bring the existing Ordinance to the Council meeting and have the Ordinance introduced today.

Ms. Rodriguez advised that the Ordinance must be posted and advertised.

Mr. Charlie McNabb, Chief Administrative Officer, noted that an Ordinance was posted as an Introduction on today's Agenda and he would ask Ms. Rodriguez if it were possible to amend this Ordinance.

Ms. Rodriguez explained that she would provide legal advice on this issue during Executive Session.

Mayor Caballero asked Ms. Rodriguez to read either the statute or the Ordinance that required the State of Texas authority prior to issuing permits.

Representative Sariñana questioned why the bus benches must be moved.

Ms. Rodriguez reiterated that the City was enjoined regarding the bus benches. She clarified that the City was not enjoined regarding trashcans or another other encroachments on TXDOT rights-of-way. She read an excerpt regarding the Special Privilege license "where a use is proposed on public right-of-way designated as a State or Federal highway or road from Texas Department of Transportation shall be required, prior to the execution of the Special Privilege license by City Council". She explained that the Special Privilege license language would need to be amended but would not change the status of the State law.

Mayor Caballero noted that the City had never received approval from TXDOT when the City issued the Special Permits.

Mr. Breitingner explained that his office had circulated a petition and he read the petition into the record and noted he had received 2,600 signatures on the petition from vendors, tourists and family and friends. He remarked that within the Code it stated Mr. Berry, District Director, had certain administrative authority and/or discretion. He stated that the City enforces these laws at the direction of TXDOT of which the District Engineer would have administrative enforcement and authority over the permission for vending on the sidewalk encroachments. He noted that in the letter received by Ms. Rodriguez this morning, it states that TXDOT recommends a moratorium and not taking any action. He explained that in talking with Mr. Berry it was noted that TXDOT was not concerned with the style of retail in the downtown area and Mr. Berry did not want to harm any retail businesses downtown; however, Mr. Breitingner asked for some assistance from the Council Members.

Mayor Caballero thanked Mr. Breitingner for his comments and informed the members of the audience that Council Members encourage business; however the City must comply with the law(s). He suggested corresponding with Mr. Berry/TXDOT to authorize the City to move forward. He recommended the downtown vendors present their displays professionally, not in the middle of the sidewalk on top of cardboard boxes.

Representative Cobos remarked that the tables were not situated in the middle of the sidewalk and he had not seen cardboard boxes. He noted that the Ordinance clearly states that the merchandise must be displayed on tables, 27 square foot dimensions, etc. He asked Ms. Patricia Adatao, Director of Planning, whether she had received any complaints regarding the downtown vendors, to which Ms. Adatao responded she had received any such complaints. He referred to the TXDOT letter and noted that the letter showed TXDOT was recommending a moratorium on enforcing. He moved to institute a temporary moratorium on enforcing removal of encroachments and to issue special privilege permits on these streets, there was no second.

Representative Cook noted that an Ordinance was to be introduced on today's agenda and he requested the City Attorney's office to modify the Ordinance to give an additional 90 days on the existing permits. He noted that this would have the same impact as that of a moratorium, but would not present the challenge a moratorium would present. He added that this would offer TXDOT additional time in order to negotiate some type of agreement with the City of El Paso.

Representative Cobos questioned whether the Ordinance for introduction included the TXDOT rights-of-way.

Mr. McNabb remarked no, but the Ordinance would be on an agenda in two weeks and, as long as the subject matter was the same, the Ordinance could be amended on the floor. He continued that this would allow Ms. Rodriguez additional time to research the information.

Mayor Caballero agreed that TXDOT was not objecting to the encroachments and reiterated the need to correspond with Mr. Berry quickly.

Mr. Tanny Berg, past Chair of the Central Business Association, thanked Council for their consideration and stated how important the issue was for the downtown vendors. He explained that TXDOT was investigating abandoning these two corridors, El Paso and Stanton Streets leading to the bridge, from Paisano. He added that TXDOT was considering either the Cordova or Bridge of the Americas as the link to Canada.

No action was taken regarding the discussion and action on delaying enforcement of Sidewalk Street Vending on TxDOT right-of-way until the Bus Bench Franchise lawsuit is settled as requested by Representative Cobos.

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*Motion made, seconded and unanimously carried to postpone one (1) week the discussion regarding City building inspections. (Anita Blair)

.....
No action was taken regarding asking the Mayor and City Representatives to change/amend the "3" minute rule to address City Council specially for non-English speakers such as my case and remind if the Roberts Rules regular discussion/resolution still apply. (Leopoldo E. Sierra)

Mr. Sierra spoke in Spanish and gave his comments.

Mayor Raymond C. Caballero explained the rules of City Council Meeting and noted the City provides translation services for individuals whose first language was other than English.

Representative Cobos asked Mr. Charlie McNabb, Chief Administrative Officer, whether the City Council meetings followed Roberts Rules of Order.

Ms. Rita Rodriguez, City Attorney, responded no, the City Council adopted its own rules in June of 2001 and the City does not follow Roberts Rules of Order.

Representative Cook noted that the Council's rules were slightly modified from Roberts Rules of Order.

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting El Paso High School Class of 1982 to use a portion of Madeline Park from 10:00 AM until 4:00 PM on July 7, 2002, for a class reunion. Fee: \$80.00
- B. An Ordinance granting a Special Privilege to the Central Business Association of El Paso, Inc., to permit temporary sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso from July 3, 2002 through July 3, 2003. (Fee: \$100 per area, SP-02012)

- C. An Ordinance granting a Special Privilege permitting Juan C. Brun to encroach onto a portion of public right-of-way with a food-vending concession in the Downtown Area. (Annual Fee: \$880.00, SP-02002)
- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII--Restrictions on parking in residential districts), of the El Paso Municipal Code, to add Zone E: Louisiana Street between McKelligon Road and Pierce Avenue, both sides. The penalty being as provided in Section 12.84.010 (Violation--Penalty) of the El Paso Municipal Code.
- E. An Ordinance amending Title 12 (Vehicles And Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.180 (Regulations Pertaining To Certain Special Situations) amending Paragraph (B) (15) to reserve parking for the Probation Department and Paragraph (B) (21) to reserve parking for law enforcement vehicles with prisoners loading and unloading only. The penalty being as provided in Section 12.48.010 of the El Paso Municipal Code.

PUBLIC HEARING WILL BE HELD JULY 2, 2002 FOR ITEMS A – E

- F. An Ordinance changing the zoning of a Portion of Lot 10, Block 64, VISTA DEL SOL UNIT 13, El Paso, El Paso County, Texas (Southeast Corner of Montwood Drive and Lomaland Drive) from R-3 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Montwood Church of the Nazarene / Representative: Rick Marquez, 10824 Vista Alegre, El Paso, TX 79935. ZC-02019

PUBLIC HEARING WILL BE HELD JULY 9, 2002 FOR ITEM F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has allocated funding for community economic development initiatives under a Hispanic Serving Institutions Assisting Communities (HSIAC) program; and

WHEREAS, the HSIAC program is intended to assist universities and neighboring communities with technology applications, economic development strategies, micro-enterprise initiatives, housing opportunities and development renewal efforts; and

WHEREAS, the University of Texas at El Paso (UTEP) proposes to submit a \$600,000 HSIAC grant application for a "Universities as Good Neighbors: Through Technology, Innovation and Economic Development" proposal: and

WHEREAS, the City wishes to work with UTEP to create an economic community development partnership to work and advance these program initiatives,

NOW, THEREFORE, BE IT RESOLVED:

- 1. That the El Paso City Council hereby supports a HSIAC grant application by UTEP and agrees that upon selection and receipt of a grant will (1) serve as a community partner for a "Universities as Good Neighbors: Through Technology, Innovation and Economic Development" project, and (2) authorize in-kind staff support over a three-year period for development of a strategic university neighborhood planning and economic development document, and for establishment of a community E-Center.
- 2. That the El Paso City Council hereby authorizes the Mayor to sign a letter of support for a UTEP HSIAC grant proposal, such letter to accompany the application to HUD due on or before June 20, 2002, and any other documentation necessary upon award of a grant to UTEP.

Representative Sumrall remarked she had visited with Mr. Adatao, UTEP representative, who enlightened her about the project. She stated she would write a personal letter in support of the project and requested the name of the contact person. She requested Mr. Mike Acosta, Associate Director for the Institute for Policy and Economic Development at UTEP, speak with Ms. Myrna Deckert and Mr. Jack Calwell in regard to a study to be conducted for the downtown area.

Mr. Acosta thanked Council Member and explained that this would provide a unique partnership between UTEP, the City and many other organizations.

Representative Cobos stated he would also be sending a letter of support from his office.

Ms. Adatao remarked that the following language be added "and any other documentation necessary upon award of a grant to UTEP" to the end of the sentence in paragraph #2. of the Resolution.

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to approve the above Resolution, as revised.

.....
*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential streetlight at the following location:

Alley behind 3025 Gateway West (San Marcial Intersection); estimated cost is \$464.00.

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Information Technology

Remove	2	Planning Technician II	GS15
Remove	1	User Support Specialist	GS15
Remove	1	Police Info. Systems Specialist	GS18
Remove	2	Telecommunications Specialist	GS20
Remove	3	Communications Specialist	GS17
Remove	1	Electricians Helper	GS11
Remove	1	Police Info. Systems Specialist	GS18

.....

*Motion made, seconded and unanimously carried to postpone one (1) week the Board Appointment of Douglas Schwartz to the El Paso Public Arts Commission by Representative Power.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

- A. Eliza Manrique, 91-C-403 (551.071)
- B. Eduardo Segura vs. The City of El Paso, et. al.; Cause No. 2000-144, Our File No. 00-S-06 (551.071)

Motion made by Representative Cook and seconded by Representative Escobar unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Sariñana, seconded by Representative Cobos and carried that claim entitled **ELIZA MANRIQUE, 91-C-403** be **DENIED** as recommended by the City Attorney.

Motion made by Representative Sariñana, seconded by Representative Escobar and carried that the City Council approves and ratifies the **FILING OF AN APPEAL** by the City Attorney in the lawsuit entitled **EDUARDO SEGURA vs. THE CITY OF EL PASO, Cause No. 2000-144; Our File No. 00-S-06**, as recommended by the City Attorney.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 11:45 a.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:


Richarda Duffy Momsen, City Clerk


Rita Rodriguez, City Attorney

